REMARKS

Please cancel Claims 7, 8, 9, 10, 11, 34, 35, and 36 without prejudice. Please add new Claims 38 and 39. Support for these claims is found on page 21, lines 21 - 34. As a matter of review, the instant application relates *inter alia* to a method for delivering materials and compositions such as volatile materials including perfumes to a clothing dryer. One of the difficulties that has traditionally been associated with delivering volatile materials such as perfumes to clothing dryers is the tendency for these materials to be volatilized and expelled from the dryer before the end of the drying cycle. The present invention provides a more effective method for delivering these materials.

Rejections Under 35 U.S.C. §112

Page 4 of the Office Action indicates that Claims 17 and 32 are rejected under 35 U.S.C. §112, second paragraph on the basis that these claims recite open ended temperature limits which may be construed as indefinite. Applicants respectfully traverse this rejection. Claims 17 and 32 both recite *inter alia* "*a fabric treatment composition comprising a material that has a flashpoint of 30° C or higher*".

"*The test for indefiniteness under 35 U.S.C. §112, second paragraph is whether those skilled in the art would understand what is claimed when the claim is read in light of the specification.*" MPEP 2173.03 citing *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). "*A patent claim to a fishing pole would not be invalid on indefiniteness grounds if it contained a limitation requiring that the pole be "at least three feet long even though a 50-foot-long fishing pole would not be very practical". Exxon Research and Engineering Co. v. United States*, 265 F.3d 1371, 60 U.S.P.Q.2d 1272 (Fed. Cir. 2001). Applicants submit that the flashpoint temperature limitation of Claims 17 and 32 meets the requirements of 35 U.S.C. §112, second paragraph as those skilled in the art would understand the meaning of this claim limitation. Hence, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112 rejection of Claims 17 and 32.

Rejections Under 35 U.S.C. §102

Claim 7 is rejected under 35 U.S.C. §102(b) over U.S. 6,220,267 issued to Joshi (hereinafter "Joshi") for the reasons of record stated on pages 4 and 5 of the Office Action. This rejection is now moot as Claim 7 stands cancelled herewith without prejudice.

Rejections Under 35 U.S.C. §103

Claims 8 - 18, 32, and 34 - 35 are rejected under 35 U.S.C. §103(a) over Joshi for the reasons of record stated on pages 5 and 6 of the Office Action. This rejection is now moot as far as it applies to Claims 8 - 11 and 34 - 35 as these claims stand cancelled herewith without prejudice. Joshi purportedly relates to a device for introducing a first fluid into a second fluid stream.

In order to sustain an obviousness rejection, the prior art reference must suggest all the limitations of the claimed invention. MPEP 2143. Joshi does not teach or suggest a method of applying a fabric treatment composition comprising a perfume and a treatment material to a fabric article during a drying cycle wherein the perfume and treatment material are applied to the fabric article after the drying apparatus has reached a first control operating temperature equal to or higher than about 60°C and after the drying apparatus has reached a second operating temperature of less than about 60°C but before the drying apparatus has reached a third operating temperature of about 25°C. Nor does Joshi teach or suggest applying a fabric treatment composition wherein the application occurs after the drying apparatus has reached a first control operating temperature of about 70°C or higher and then has returned to a second operating temperature of less than about 70°C but before a third operating temperature of about 20°C is reached. Furthermore, Joshi does not teach or suggest any temperature limitations for applying the fluid disclosed in Joshi.

Hence, Claims 38 -39 and 12 - 18 and 32 of the instant application are not obvious over Joshi. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 12 - 18, 32 and allow these claims and new Claims 38 and 39.

Double Patenting Rejection

Page 6 of the Office Action indicates that Claims 7 - 18, 32, and 34 - 35 are provisionally rejected on the basis of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 - 19 of U.S. Patent No. 6,840,069. This rejection is now moot as far as it applies to Claims 8 - 11 and 34 - 35 as these claims stand cancelled herewith without prejudice. The submission of a Terminal Disclaimer would appear to be premature at this stage of prosecution. However, once patentable claims are agreed to, an appropriate Terminal Disclaimer can be provided, if still deemed necessary.

SUMMARY

This is responsive to the Office Action dated March 2, 2006. Applicants hereby petition for a one-month extension of time to respond to this Action. Please charge any fees associated with this response to Deposit Account No. 16-2480. As the rejection of Claims 17 and 32 under 35 U.S.C. §112, the rejection of Claim 7 under 35 U.S.C. §102, the rejection of Claims 8 - 18, 32, and 34 - 35 under 35 U.S.C. §103, and the Double Patenting rejection of Claims 7 - 18, 32, and 34 - 35 have been overcome, Applicants respectfully request reconsideration and withdrawal of these rejections and allowance of these claims.

Respectfully submitted,
FOR: DUVAL ET AL.;

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June 9, 2006
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